

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

REPLY ALL CORP.

Plaintiff

v.

GIMLET MEDIA, INC.

Defendant

Case 1:15-cv-04950-WFK-PK

Sup. Ct. New York Co. Index 1:15-CV-04950-WFK-PK

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, Stephen W. Biegel, being duly sworn, says:

1. I am a New York City Marshal, am not a party to this action and am over eighteen years of age.

2. I served a true copy of the **Execution with Notice to Garnishee** together with the **Notice Pursuant to CPLR 5232(a)** annexed thereto, both dated March 6, 2025 and both of which are attached hereto as Exhibit 1, on Howard Rubin, in accordance with CPLR 308(4), as described below.

3. Multiple Prior Attempts to Effectuate Service under CPLR 308(1)-(2). I attempted to serve said papers on Mr. Rubin in accordance with CPLR 308(1)-(2), at 120 East End Avenue, Apt. 2A, New York, NY 10028, his last known address and the address listed in the summons in E.D.N.Y. Case 17-cv-06404-BMC-CLP (ECF Doc. #5), on March 13, 2025 at around 3:05 p.m. and also on March 14, 2025 at around 8:55 a.m. However, both times the doorman refused to allow me to proceed to the elevator to serve said papers on Mr. Rubin or a person of suitable age and discretion in the dwelling unit and both times the doorman refused to accept delivery of said papers on Mr. Rubin's behalf.

4. Service by Mail. On March 14, 2025, my office served said papers by first class mail, by depositing said papers enclosed in a sealed envelope, with postage prepaid thereon, in a

post-office or official depository under the exclusive care and custody of the United States Postal Service within the State of New York, addressed to Mr. Rubin at the following address:

Howard Rubin
120 East End Avenue
Apt. 2A
New York, NY 10028


In accordance with CPLR 308(4), the envelope bore the legend "personal and confidential" and did not indicate on the outside thereof, by return address or otherwise, that the mailing concerns an action against the person served.

3. Nail-and-Mail Service. On March 24, 2025 in the afternoon, after the doorman refused to let me proceed to the elevator or accept delivery of said documents on Mr. Rubin's behalf a third time, I affixed said documents to the front door of 120 East End Avenue. A picture of the documents so affixed is attached as Exhibit 2.

4. After said papers were so affixed, the doorman connected me by phone with a woman who identified herself as Mr. Rubin's wife, who acknowledged receipt of the above-described mailing.


Stephen W. Biegel

Sworn to before me this 25 day of March, 2025


Notary Public

